REMARKS

It is respectfully requested that this application be reconsidered in view of the above amendments and the following remarks and that all of the claims remaining be allowed.

Claims Amendments:

Claim 11 has been amended to recite a binding compound comprising an antigen binding site from an antibody which specifically binds to the polypeptide of residues 1-30 or 286-470 of SEQ ID NO:2. Support for this recitation can be found, for example, at page 6, lines 32-33; page 11, line 35 to page 12, line 2; and page 26, line 27 to page 27, line 2. In particular, it is disclosed at page 26, lines 33-37 that a polypeptide of the present invention can be about 30 amino acids, beginning from any position, such as residue 1. The specification further discloses that DC-STAMP has three predicted phosphorylation sites in the C-terminal portion, thr286-lys288, lys426-ser429 and arg438-ser441 (page 11, line 35 to page 12, line 2). Since DC-STAMP is a G-protein coupled receptor for which phosphorylation is important (see, e.g., page 21, lines 3-9), a skilled artisan would have understood that Applicants were in possession of a C-terminal polypeptide containing all the phosphorylation sites, namely residues 286-470, as well as antibodies thereof.

Claim 12 has also been amended to recite the polypeptide of residues 1-30 or 286-470 of SEQ ID NO:2, for which support can be found, for example, as described above.

New claims 21 and 22 have been added. Claim 21 depends from claim 11, further reciting that the antibody specifically binds to the polypeptide of residues 399-470 of SEQ ID NO:2. Support for this recitation can be found, for example, at page 65, line 34 to page 66, line 5, where it is disclosed that the cytoplasmic tail of DC-STAMP contains 72 amino acids (i.e., residues 399-470 of SEQ ID NO:2).

Claim 22 also depends from claim 11, further reciting that the polypeptide is glycosylated, for which support can be found, for example, at page 5, lines 5-6.

No new matter has been added by these amendments. The Examiner is hereby requested to enter these amendments.

Rejection Under 35 U.S.C. §102:

The rejection of claims 11, 12 and 15 under 35 U.S.C. §102(e) in view of U.S. Patent Application Publication No. US2002/0064818 is respectfully traversed for the reasons set forth below.

The standard of anticipation under 35 U.S.C. §102 is that each and every element of the claim must be found in the cited reference. *In re Marshall*, 198 USPQ 344 (CCPA 1978).

As amended, claim 11 is directed to a binding compound comprising an antigen binding site from an antibody which specifically binds to the polypeptide of residues 1-30 or 286-470 of SEQ ID NO:2. Since US2002/0064818 does not disclose the sequence of residues 1-30 or 286-470 of SEQ ID NO:2 before the priority date of the present application, the reference does not teach each and every element of claim 11 under 35 U.S.C. §102(e). In this regard, please note that claim 11 is entitled to the filing date (November 15, 1999) of U.S. Provisional Application No. 60/165,438, of which the present application claims benefit under 35 U.S.C. §119(e).

Similarly, claims 12 and 15 recite the polypeptide of residues 1-30 or 286-470 of SEQ ID NO:2 as well. Therefore, these claims are also not anticipated by US2002/0064818 under 35 U.S.C. §102(e).

Accordingly, the requirement under 35 U.S.C. §102 is not met, and withdrawal of this rejection is respectfully requested.

Conclusions:

For the reasons set forth above, Applicants submit that the claims of this application are patentable. Reconsideration and withdrawal of the Examiner's rejections are hereby requested. Allowance of the claims remaining in this application is earnestly solicited.

In the event that a telephone conversation could expedite the prosecution of this application, the Examiner is requested to call the undersigned at (650) 622-2340.

Respectfully submitted,

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